

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ELVIS GLORIS GARCIA,

Plaintiff,

v.

B'ABOVE WORLDWIDE INSTITUTE,  
INC. *et al.*,

Defendants.  
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**ORDER**

21-CV-7127 (WFK) (CLP)

**WILLIAM F. KUNTZ, II, United States District Judge:**

Before the Court is the report and recommendation (“R&R”) of Chief Magistrate Judge Cheryl L. Pollak, which recommends the Court grant the parties’ motion for settlement approval and approve Plaintiff’s request for attorney’s fees and costs. ECF No. 19. The R&R states in relevant part:

The Court recommends that the district court find that the settlement reached is a fair and reasonable compromise of plaintiff’s claims, considering the amount received, the possible factual disputes that might have limited recovery, and the fact that the parties engaged in arm’s-length negotiations, all of which were sufficient to gain an understanding of the risks and benefits of proceeding with the litigation. . . . The Court also recommends that counsel’s request for \$6,236.66 in fees and \$402 in costs be considered reasonable.

The parties have not filed any objections to the R&R, which were due by Tuesday, August 9, 2022. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The Court reviews an R&R for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore ADOPTS the R&R in its entirety and GRANTS the parties’ motion for settlement at ECF No. 18. The Court also GRANTS plaintiff’s request for \$ 6,236.66 in attorney’s fees and \$ 402.00 in costs. The parties are directed to file a stipulation of dismissal within 30 days of the entry of this

Order.

**SO ORDERED.**

**s/ WFK**

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HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2022  
Brooklyn, New York